

REMARKS

Claims 1, 15, 18, 22, 24 and 25 are amended. Claims 2, 21, 23 and 27 are cancelled. New claims 28-29 are added. Upon entry of this amendment, claims 1, 3-20, 22, 24-26 and 28-29 will be pending.

Objections

The written description is amended to fill in the three blanks referred to by the examiner in the action.

Claim Rejections - 35 USC §102

Claims 1, 2, 5, 6, 11-14 and 18-20 have been rejected as anticipated by Oguri et al. (5,938,628). Claim 1 is amended to further specify perforations in the sleeve along which the sleeve may be torn to remove the first portion of the sleeve from the second portion of the sleeve. Claim 18 is amended along similar lines. Support for this amendment is found in the original application at, among other places, page 11, lines 26-28, Figs. 6A and 6B. (See also page 8, lines 24-25, page 12, line 24, and Fig. 1.)

As thus amended, claims 1, 2, 5, 6, 11-14 and 18-20 are clearly not anticipated by the Oguri et al. patent which is directed to a suit-type cosmetic air massage device having an upper suit-shaped part 11 containing a first set of air bags for massaging the upper torso and arms of a user and a lower suit-shaped part 12 containing a second set of air bags for massaging the lower torso and legs of the user. The air hoses 14 for inflating the first set of air bags are connected to the air hoses 14 for inflating the second set of air bags by two connectors 151. The air hoses 14 in the legs of the suit are connected to air hoses 14 from the intake/exhaust instrument 13 by two additional connectors 152. Each of the connectors 151, 152 comprises upper and lower members (151U, 151L; 152U, 152L) which "can easily be separated/connected by operating hooks (not shown)" (column 5, lines 29-31; column 6, lines 5-7). By disconnecting the connectors 151, 152, the suit-type device can be divided up into three parts, i.e., the upper part 11, the lower part 12 and the intake/exhaust instrument 13. As a result, a user can use the upper and lower parts 11, 12 together (Fig. 4), or the upper part without the lower part (Fig. 5) or the lower part without the upper part (Fig. 6).

Clearly, there is no disclosure in Oguri et al. of providing perforations along which a sleeve may be torn as provided in amended claim 1. On the contrary, the upper and lower parts of the suit in Oguri et al. are completely separate from one another except for the hose connectors 151, and one part of the suit is removed from the other part simply by disconnecting the upper and lower members of the connectors. No tearing along perforations is involved.

Accordingly, claim 1 and claims 2, 5, 6 and 11-14 depending therefrom are not anticipated by Oguri et al.

Claim 18 is amended to state the step of removing the first portion of the sleeve from the second portion of the sleeve "by tearing the sleeve along perforations in the sleeve." This step is lacking from the Oguri et al. patent which thus cannot anticipate claim 18 or claims 19 and 20 depending therefrom.

In view of the foregoing, applicant requests that the rejection of claims 1, 2, 5, 6, 11-14 and 18-20 under 35 USC §102 be withdrawn.

Claim Rejections - 35 USC §103

Claims 3 and 4 are rejected as unpatentable over Oguri et al. and Rotta (3,862,629). The Oguri et al. patent is discussed above. Rotta discloses a device comprising a series of inflatable chambers constructed as modular units and valves which can be plugged together to make a series of any desired length. The units are connected by inserting valve nipples 30, 32 into chamber openings 34 and, presumably, disconnected by reversing the process. (See column 5, lines 1-10.)

Claims 3 and 4 depend from claim 1 which, as noted above, is amended to include the feature of perforations in the sleeve along which the sleeve may be torn to remove the first part of the sleeve from the second part of the sleeve. This feature is neither disclosed nor suggested by either Oguri et al. or Rotta. Both of these patents are directed to devices having components (upper and lower suit parts in Oguri et al. and modular units in Rotta) which can be connected, disconnected and reconnected in different configurations. In this context, it is important that the connections between the components be of the type that can be used more than once. In sharp contrast, amended claim 1 is directed to a sleeve having perforations which allow the sleeve to be torn to effect removal of the first

part of the sleeve from the second part of the sleeve. Once the sleeve is torn, the two parts cannot be reattached, i.e., the removal process is irreversible. Thus, applicant's claimed design is not only entirely different in structure from the connections in Oguri et al. and Rotta, it provides an entirely different result, namely, re-connection in the case of Oguri et al. and Rotta versus no re-connection in applicant's claimed design. It would be entirely inappropriate and counter to the purpose of the patented devices to include "tear away" connections between the components.

For these reasons, claim 1 and thus claims 3 and 4 depending therefrom are not obvious in view of the Oguri et al. and Rotta.

The other prior art cited by the examiner is also completely devoid of applicant's unique "tear away" feature which is used to remove one part of a compression sleeve from another part of the sleeve. In this regard, it is noted that the Poole et al. patent shows a pressure garment having a zipper connections 16 which "are designed to be opened to allow medical personnel to gain access to certain arteries located for example at 38." (Column 3, lines 14-18.) Further, Poole et al. state that "The zipper connections 16 allow for easy replacement of damaged modular components, without having to scrap the entire garment." (Column 3, lines 22-25.) Again, this type of connection allows for connection and re-connection, which is very different from applicant's arrangement where one sleeve portion is permanently and irreversibly removed from the other sleeve portion when the sleeve is torn along the perforations. Nor would it be appropriate to use applicant's claimed arrangement in Poole et al., since the express purpose of using zippers is to permit re-connection of the parts.

Claim 7 is rejected as unpatentable over Oguri et al. Claim 7 depends (indirectly) from claim 1 and thus includes the "tear away" feature now in amended claim 1. For the reasons given above, Oguri et al. neither disclose nor suggest this feature. Accordingly, claim 7 is submitted to be patentable for at least this reason.

Claims 8-10 are rejected as unpatentable over Oguri et al. and Dye (5,795,312). These claims incorporate the subject matter of amended claim 1 and are submitted to be allowable for at least the same reasons as claim 1. In this regard, Dye discloses a compression sleeve having thigh and calf portions, but these portions are not removable from one another. Accordingly, Dye is not relevant to the "tear away" feature of claim 1.

Claims 15-20, 22 and 24-26 are rejected as unpatentable over Meredith and Oguri et al. Each of these claims is amended to include the "tear away" feature of claim 1 in one form or another. In this regard, independent claim 15 is amended to specify, among other things, "perforations in the sleeve along which the sleeve may be torn to remove the thigh portion [of the sleeve] from the calf portion [of the sleeve]." Independent claim 18 is amended to specify, among other things, the step of "removing the first portion of the sleeve from the second portion of the sleeve by tearing the sleeve along perforations in the sleeve." Independent claim 22 is amended to state, among other things, that the sleeve is convertible from one configuration to another "by tearing a thigh portion of the sleeve from a calf portion of the sleeve." And independent claim 25 is amended to specify, among other things, the step of converting the sleeve from one length extending from below the knee to above the knee, to a length extending solely below the knee "by tearing the sleeve along perforations in the sleeve."

Meredith adds nothing to Oguri et al. with respect to this "tear away" feature. Meredith simply discloses an inflatable bladder structure useful for therapeutic treatment. The examiner contends it would have been obvious to modify Meredith to use connectors between sections of the sleeve such as taught by Oguri et al. Even assuming this to be true, Oguri et al. teach the use of connectors of the type that allow connection and re-connection, as discussed above. There is no teaching of using applicant's "tear away" feature which allows removal of one part from one another by tearing but which does not allow re-connection of the parts. Thus, claims 15-20, 22 and 24-26 as amended clearly patentably distinguish over both Meredith and Oguri et al.

In view of the foregoing, amended claims 15-20, 22 and 24-26 are also submitted to be allowable.

New Claims 28-29

New claim 28 depends from claim 1 and specifies applicant's compression apparatus as further comprising:

- i) first tubing (e.g., 68 in Fig. 1) extending from the connector and fluidly connecting to the first expandable chamber (e.g., 16),

- ii) second tubing (e.g., 66) extending from the connector and fluidly connecting to the second expandable chamber (e.g., 20),
- iii) third tubing (e.g., 67) extending from the connector and fluidly connecting to the third expandable chamber (e.g., 22),
- iv) said first tubing comprising a ***quick disconnect port*** (e.g., 70 in Fig. 3) permitting easy removal of the first tubing from the connector when the first portion of the sleeve is removed from the second portion of the sleeve, said second tubing and said third tubing remaining attached to the connector when the first portion of the sleeve is removed from the second portion of the sleeve.

As described on page 10, lines 6-8, and page 11, lines 13-16 of the application, the claimed quick disconnect port permits easy removal of the first tubing (68 in Figs. 1 and 3) from the connector (28) when the first part of the sleeve (e.g., the thigh part) is removed from the second part of the sleeve (e.g., the calf part) using the "tear away" feature of claim 1. This "quick disconnect port" feature is not taught by the references of record. For example, in the Oguri et al. patent, all of the hoses remain connected to the upper and lower connector members of the connectors 151, 152 when the members are disconnected from one another. There is no suggestion of a quick disconnect port between the hoses and respective upper and lower members of the connectors (151U, 151; 152U, 152L), much less the claimed arrangement which permits removal of the first tubing while the second tubing and the third tubing remain attached.

For these additional reasons, claim 28 is submitted to be allowable.

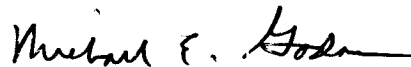
Claim 29 is an independent claim directed to the "quick disconnect port" feature of claim 28, independent of the "tear away" feature of claim 1. This claim is submitted to be allowable for the reasons explained above in regard to claim 28.

CONCLUSION

The Commissioner is hereby authorized to charge the fee for one additional independent claim to Deposit Account No. 19-0254. The Commissioner is also authorized to charge any additional fees due or credit any overpayment to Deposit Account No. 19-0254.

In view of the foregoing, favorable consideration and allowance of this application is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael E. Godar". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael E. Godar, Reg. No. 28,416
SENNIGER POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

MEG/bcw